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PART I

Section i



GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 2872/Leg.Pbn.2/2007/Law. *Dated, Thiruvananthapuram, 26th February, 2007.*

The following Act of Parliament Published in the Gazette of India, Extraordinary, Part II, Section I, dated the 14th September, 2006 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on 13th September, 2006.

By order of the Governor,

P. S. GOPINATHAN,

Law Secretary.

THE CENTRAL SILK BOARD (AMENDMENT) ACT, 2006

(ACT No. 42 OF 2006)

AN

ACT

further to amend the Central Silk Board Act, 1948.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Central Silk Board (Amendment) Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*—In the Central Silk Board Act, 1948 (61 of 1948) (hereinafter referred to as the principal Act), in section 3,—

(i) after clause (a), the following clause shall be inserted, namely:—

‘(aa) “Central Silk-worm Seed Testing Laboratory” means the Central Seed Testing Laboratory established or accredited under sub-section (1) of section 8G;

(ii) after clause (b), the following clauses shall be inserted, namely:—

(ba) “Committee” means the Central Silk-worm Seed Committee constituted under sub-section (1) of section 8A ;

(bb) “dealer” means a person who carries on the business of buying and selling, export or import of silk-worm seed, cocoons, chawkie reared silk-worms and includes an agent of a dealer;

(bc) “export” means taking out of India to a place outside India;’;

(iii) after clause (c), the following clauses shall be inserted, namely:—

(ca) “Hybrid Authorisation Committee” means the Hybrid Authorisation Committee constituted under sub-section (1) of section 8D ;

(cb) “import” means bringing into India from a place outside India;

(cc) “notified kind or variety” in relation to silk-worm seed means, any kind or variety thereof notified under sub-section (I) of section 8C;’;

(iv) after clause (e), the following clauses shall be inserted, namely:—

(ea) “Registration Committee” means the Registration Committee constituted under sub-section (2) of section 8E;

(eb) “regulation” means regulation made by the Committee under this Act;

(ec) “silk-worm seed” or “seed” means all kinds of silk-worm seeds produced from the pure silk-worm races including the hybrids produced from two or more pure races, silk-worm seed cocoons of all kinds and moths thereof intended to be used or reared for the purpose of production or for commercial exploitation.

Explanation.—For the purposes of this clause,—

(i) “pure races” means silk-worm breed or variety maintained through reproductive silk-worm seed with features true to the parents;

(ii) “hybrids” means the seed produced involving two or more pure races or parental races with the objective of exploiting heterosis or hybrid vigour;

(ed) “Silk-worm Seed Analyst” means a Seed Analyst appointed or notified under sub-section (3) of section 8G;

(ee) “Silk-worm Seed Certification Agency” means the Silk-worm Seed Certification Agency constituted or accredited under section 8F;

(ef) “Silk-worm Seed Officer” means Seed Officer appointed or notified under sub-section (1) of section 8H;’.

3. *Substitution of references to certain expressions by certain other expressions.*—Throughout the principal Act, for the words “Chairman” or “Vice-Chairman”, wherever they occur, the words “Chairperson” or “Vice-Chairperson” shall respectively be substituted.

4. *Amendment of section 4.*—In section 4 of the principal Act, in sub-

section (3),—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) not more than three officials to be nominated by the Central Government, one of whom shall be the head of the Silk Division in the Ministry of Textiles as the Vice-Chairperson and one shall be the Secretary of the Board, both being the officers not below the rank of Joint Secretary to the Government of India;”;

(ii) after clause (c), the following proviso shall be inserted, namely:—

“Provided that a member of Parliament shall, upon ceasing to be a member of the House of the People or as the case may be, the Council of States, cease to be a member of the Board.”;

(iii) for clause (g), the following clause shall be substituted, namely:—

“(g) one person to be nominated by each of the Governments of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Uttar Pradesh and Uttaranchal;”.

5. *Insertion of new section 4A.*—After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. *Disqualification for being nominated or appointed as a member of Board.*—A person shall be disqualified for being nominated or appointed or for continuing as a member, if he—

(a) is not a citizen of India; or

(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) is an undischarged insolvent; or

(d) has become physically or mentally incapable of acting as a member; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his function as a member.”.

6. *Amendment of section 6.*—In section 6 of the principal Act, in sub-

section (1), for the words “The Central Government shall appoint from among the members of the Board, a Vice-Chairman who shall”, the words “ The Vice-Chairperson shall” shall be substituted.

7. *Amendment of section 7.*—In section 7 of the principal Act, for the words “The Central Government shall appoint a Secretary to the Board, who shall”, the words “ The Secretary to the Board shall” shall be substituted.

8. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (3) for clause (a) the following clause shall be substituted, namely:—

“(a) to advise the Central Government on all matters relating to production, supply, distribution, trade and commerce in silk-worm seed, the development of the silk industry and its products including export and import;”.

9. *Insertion of new sections 8A to 8J.*—After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8A. *Constitution of Central Silk-worm Seed Committee.*—(1) The Central Government may, by notification in the Official Gazette, constitute for the purposes of this Act, a Committee to be called the Central Silk-worm Seed Committee consisting of —

(a) the Vice-Chairperson of the Board who shall be the Chairperson of the Committee, *ex officio*;

(b) (i) seven officials not below the rank of Deputy Secretary to the Government of India dealing with sericulture from the States—members;

(ii) two experts from the field of silk-worm seed development—members;

(iii) five persons to represent the sericulture sector of whom three shall be the farmers and two the reelers—members;

to be nominated by the Central Government from amongst the members of the Board ;

(c) the Director of the National Silk-worm Seed Organisation to be nominated by the Central Government—member; and

(d) Secretary of the Board who shall be the Secretary of the Committee, *ex officio*.

(2) The Committee may associate with it, for such purposes and in such manner as it may deem fit, any person whose assistance or advice it may consider necessary in complying with the provisions of this Act, and a person so associated, shall have the right to take part in the proceedings of the Committee relevant to the purposes for which he has been associated, but shall not have the right to vote and shall be entitled to receive such allowances or fees as may be prescribed by the Central Government.

(3) A member nominated under sub-section (1) shall, unless his seat becomes vacant earlier by resignation, death or otherwise, hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination:

Provided that a person nominated under sub-section (1) shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

(4) No act or proceeding of the Committee shall become invalid merely by reason of—

- (i) any vacancy therein, or any defect in the constitution thereof; or
- (ii) any matter relating to the procedure of the Committee not affecting the merits of a case.

(5) The Central Government shall provide to the Committee such other technical and other officers and employees as may be necessary for the efficient performance of the functions under this Act.

(6) (a) The Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meeting (including the quorum at meetings) as may be specified by regulations.

(b) The Chairperson or in his absence any member chosen by the members present from amongst themselves, shall preside at a meeting of the Committee.

(c) All question at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in case of equality of votes, the Chairperson or in his absence, the person presiding over the meeting shall have a second or casting vote.

8B. *Powers and functions of Committee.*—(1) The Committee shall be responsible for the implementation of this Act by taking measures as specified in sub-section (2).

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

(i) laying down of quality standards for kind or variety of silk-worm seed;

(ii) authorisation of silk-worm races and hybrids for commercial exploitation;

(iii) laying down of quality standards for production of silk-worm seeds;

(iv) laying down the conditions and requirements that have to be met out by the persons desirous of setting up facilities for production of silk-worm seeds or grainages;

(v) laying down the certification and silk-worm seed testing procedures for seeds sold by the registered producers;

(vi) undertaking the registration of silk-worm seed producers and dealers and controlling, supervising the inspection process to ensure adherence to the specified quality standards and seed certification requirements;

(vii) laying down the conditions and standards for export and import of silk-worm seed and adherence to them;

(viii) programming and planning of silk-worm seed production;

(ix) advising the Central Government and the State Governments on the matters aforesaid; and

(x) such other matters connected and incidental to the production, supply, distribution, trade and commerce in silk-worm seed,

as may be specified by regulations made by the Committee from time to time.

8C. *Power to notify kinds or varieties of silk-worm seeds.*—(1) If the Central Government, after consultation with the Committee, is of the opinion that it is necessary or expedient to regulate the quality of silk-worm seed of any kind or variety for the purpose of production and for commercial exploitation, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof, and it shall be incumbent upon every producer or dealer of such silk-worm seeds to produce or deal with such notified kinds and varieties of silk-worm seeds and in no other.

(2) The Central Government may, on the recommendation of the Committee, by notification, specify—

- (a) the minimum quality standards and conditions for notified kinds or varieties of silk-worm seed; and
- (b) the mark or label to indicate that such silk-worm seed conforms to the specified quality standards.

8D. *Hybrid Authorisation Committee.*—(1) The Committee shall constitute a Hybrid Authorisation Committee consisting of the Secretary of the Board who shall be the Chairperson of the Hybrid Authorisation Committee and such number of other members to assist him in the discharge of his duties as the Committee may determine.

(2) It shall be the duty of the Hybrid Authorisation Committee to either suo motu or on the application made to it and after due trials, testing and such other requirements, as it may deem necessary to satisfy itself, recommend to the Committee of the kind or variety of silk-worm seed, silk-worm hybrid seeds and races available in the market for notification by the Central Government for production and commercial exploitation.

8E. *Registration Committee.*—(1) No silk-worm seed of any kind or variety shall, for the purpose of production or for commercial exploitation, be produced, supplied, distributed, traded, sold or otherwise disposed of by a producer or dealer unless he is registered by the Registration Committee in such manner as may be prescribed.

(2) The Committee shall constitute the Registration Committee consisting of a Chairperson and such number of other members not less than two to assist him in the discharge of his duties as the Committee, may determine.

(3) The Registration Committee shall have power—

(a) to register the silk-worm seed of the notified kind or variety after scrutinising claims that the silk-worm seed conforms the kind or variety duly notified by the Central Government;

(b) to register the silk-worm seed producer after ensuring that the facility for seed production meets the requirement or conditions for maintaining quality standards as notified by the Central Government;

(c) to register the silk-worm dealer after scrutinising their claim made in the application;

(d) to perform such other functions as are assigned to it by the Committee.

(4) Every application for registration under sub-section (1) shall be made in such form and contain such particulars including conditions and be accompanied by such fees as may be prescribed.

8F. *Constitution of seed Certification Agency.*—The Committee may, by order, constitute one or more Silk-worm Seed Certification Agencies or accredit the existing certification agencies according to such criteria as may be specified by regulations to conduct inspection for registration of producers and dealers.

8G. *Constitution of Central Seed Testing Laboratories.*—(1) The Committee may, by order, establish the Central Seed Testing Laboratories and accredit the existing laboratories of the Board or the State Governments having such facilities as may be specified by regulations.

(2) The Central Seed Testing Laboratories and the accredited laboratories shall carryout such functions as may be entrusted to it by the committee from time to time.

(3) The Committee may, by order, appoint such person as it thinks fit or notify the officials or employees of the accredited laboratories having such qualifications as may be specified by regulations to be the Seed Analyst in the Seed Testing Laboratories and define the local limits of their jurisdiction.

8H. *Appointment of Seed Officers.*—(1) The Committee may, by order, appoint such person as it thinks fit, or notify an employee of the Board having such qualifications as may be specified by regulations to be the Seed Officers and define the local limits of their jurisdiction.

(2) Every Seed Officer shall be under the Administrative Control of the Committee and shall be responsible for inspecting the seeds and the facilities available with the seed producers and dealers before or after their registration to ensure adherence to the standards and conditions laid down in this regard.

(3) The Seed Officer may—

(a) take samples of any silk-worm seed of any kind or variety from—

(i) any producer or dealer; or

(ii) any person who is in the course of conveying such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) exercise such other powers as may be specified by regulations.

8-I. *Export and Import of Silk-worm Seed.*—(1) The Committee shall advise the Central Government from time to time on the export and import of silk-worm seed and the Central Government may, by notification, specify the terms and conditions including exim policy for export and import of silk-worm seed.

(2) All import of silk-worm seed shall conform to the quality standards specified under sub-section (2) of section 8C.

(3) For the purpose of ensuring compliance with the conditions and quality standards for governing such import, the Central Government may, by order, authorise officers of the level of Assistant Commissioner to exercise the powers of inspection at the borders and ports, and such officers shall be deemed to be the Seed Officers for the purposes of this Act.

(4) The Central Government may, by notification, permit for research purposes, import of an unregistered variety of silk-worm seed in such quantity and subject to such conditions as may be specified.

(5) The Central Government may, by notification, restrict the export or import of silk-worm seed of any kind or variety if it considers that it may

adversely affect the silk industry or on such other grounds, as it may consider necessary.

8-J. *Statement by silk-worm seed producers.*—Every registered silk-worm seed producer and dealer shall furnish periodic statement to the Committee in such form, manner and at such intervals as may be specified by regulations.”.

10. *Amendment of section 13.*—In section 13 of the principal Act,—

(i) in sub-section (2),—

(a) after clause (xv), the following clauses shall be inserted, namely:—

“(xva) specifying the allowances or fees of the persons associated by the Committee under sub-section (2) of section 8A;

(xvb) matters incidental to the production, supply, distribution, trade and commerce in silk-worm seed under clause (x) of sub-section (2) of section 8B;

(xvc) manner of registration of a producer or dealer by the Registration Committee under sub-section (1) and form for making application and fees to be paid under sub-section (4) of section 8E;”;

(b) for clause (xix), the following clause shall be substituted, namely:—

“(xix) the manner of grading, marketing, developing and distributing raw silk and products of silk industry;”;

(ii) sub-section (3) shall be omitted.

11. *Insertion of new sections 13A and 13B.*—After section 13 of the principal Act, the following sections shall be inserted, namely:—

“13A. *Power to make regulations.*—(1) The Committee may, in consultation with the Board, and with the previous approval of the Central Government, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(i) procedure in regard to transaction of business at the meeting of the Committee under clause (a) of sub-section (6) of section 8A;

(ii) laying down of various standards relating to kinds or varieties, production, testing, supply, distribution, trade and commerce and export and import of silk-worm seed under sub-section (2) of section 8B;

(iii) to specify the criteria for establishing Central Silk-worm Seed Certification Agencies under section 8F, criteria and jurisdiction of Central Seed Testing Laboratories and qualifications of Seed Analysts under sub-sections (1) and (3) of section 8G and qualifications of Seed Officers and their other powers under sub-section (1) and clause (b) of sub-section (3) of section 8H;

(iv) the form, manner and intervals at which statement by producer and dealer may be furnished under section 8J.

13B. *Laying of rules, regulations and notifications.*—Every rule, regulation and notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification or both Houses agree that the rule or regulation or notification should not be made, the rule or regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.”.

12. *Amendment of section 14.*—In section 14 of the principal Act, in sub-section (1), in clause (b), after the word “Board”, the words “Committee and Registration Committee” shall be inserted.

13. *Insertion of new section 14A.*—After section 14 of the principal Act, the following section shall be inserted; namely:—

“14A. *Penalty for contravention of sections 8C and 8E.*—If any person contravenes the provisions of sections 8C and 8E of this Act or regulations made thereunder or any notification relating to silk-worm seed he shall be punishable with a fine of five thousand rupees which may extend to twenty-five thousand rupees besides suspension or cancellation of the registration to produce silk-worm seeds.”.

14. *Omission of sections 15 and 15A.*—Section 15 and section 15A of the principal Act shall be omitted.

15. *Insertion of new section 16A.*—After section 16 of the principal Act, the following section shall be inserted; namely:—

“16A. *Effect of Act and rules, etc., inconsistent with other enactments.*—The provisions of this Act or any rule or regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.”.
